

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER JAMES,

Plaintiff,

-against-

**ORDER**  
18-CV-5037 (JFB)(GRB)

SUFFOLK COUNTY CORRECTIONAL  
FACILITY, *et al.*

Defendants.

-----X  
**AZRACK, District Judge:**

On September 4, 2018, incarcerated *pro se* plaintiff Christopher James (“plaintiff”) filed a complaint in this Court but did not remit the filing fee or file an application to proceed *in forma pauperis*. Accordingly, by Notice of Deficiency dated September 5, 2018 (“Notice”), plaintiff was instructed to either remit the filing fee or complete and return the enclosed application to proceed *in forma pauperis* and Prisoner Litigation Authorization form (“PLRA”) within fourteen (14) days from the date of the Notice. The Notice warned plaintiff that his failure to timely comply may be dismissed for failure to prosecute. (*See* Notice, Docket Entry No. 2.) The Notice was mailed to plaintiff at his address of record on September 5, 2018, and has not been returned to the Court. To date, plaintiff has not responded to the Notice nor has he otherwise communicated with the Court. Accordingly, the complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that *in forma pauperis* status for the purpose of an appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The

Clerk of the Court is directed to mail a copy of this order to the plaintiff at his last known address and to mark this case closed.

**SO ORDERED.**

Dated:   October 11, 2018  
          Central Islip, New York

\_\_\_\_\_/s/ (JMA)\_\_\_\_\_  
Joan M. Azrack  
United States District Judge